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FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DEC - 4 2012
DEC. 4, 2012
THOMAS G BRUTON
CLERK, U S DISTRICT COURT

UNITED STATES OF AMERICA

v.

JOSE BANKS: BEY

In Propria Person

)

Case No. 08 CR 688-1

Hon. Rebecca R. Pallmeyer

CORAM NON JUDICE

COMMERCIAL AFFIDAVIT OF FACT AND TRUTH PRESUMPTIONS

Rules of Evidence §600 et seq.

Presumption and Inference Defined

- A) A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence.
- B) An inference is a deduction of fact that may logically and reasonably be drawn from another part or group of facts found or otherwise established in action.

According to the Rules of Evidence, I'm allowed to rebut any presumptions, so I formally request that the government place any and all presumptions on the record so that I may have the opportunity to rebut those presumptions.

The Rules of Evidence also state that the presumptions only need to be met, in other words, simply meet the presumption, not defeat it.

The Supreme Court held that the conflicting presumptions must be weighed against each other. *Scott v. Burke; Smellie v. Southern Pac. Co.*, 212 Col. 540, 299 Pac. 529 (1931). This case held that a presumption is evidence that must be weighed against conflicting evidence.

The most that should be expected of a party in a civil case is that he/she prove his/her case by a preponderance of the evidence.

The most that should be expected of the prosecution in a criminal case is that it establish the defendant's guilt beyond a reasonable doubt.

Section 600 was derived from Rule 13 of the Uniform Rules of Evidence and supersedes the Code of Civil Procedure, Section 1959.

The Evidence Code classifies all rebuttable presumptions as either 1) presumptions affecting the burden of producing evidence essentially (Thayer Presumptions), or 2) presumptions affecting the burden of proof essentially (Morgan Presumptions).

§§603

A statute providing that a fact or ground of facts is prima facie evidence of another fact establishes presumption.

A presumption affecting the burden of producing evidence is a presumption established to implement no public policy other than to facilitate the determination of the particular action in which the presumption is applied.

For the record, on the record and let the record show if the United States has any presumptions that I am a Fourteenth Amendment Citizen, or that I am a United States citizen or subject, or that the statutes of the United States apply to me, these presumptions are incorrect.

Let the record show this is a formal request for any and all presumptions to be placed on the record in writing.

A response is required within thirty (30) days of receipt of this Affidavit of Truth and Fact.

For the record:

I am not a Fourteenth Amendment citizen.

I am not a Negro, Black, Colored or African American.

I am not a United States citizen or subject.

I am not a corporate entity, commercial strawman, stamineus homo, or legal faction, franchise or citizen of a government acting in a commercial capacity.

Presumption estoppel applies for any presumption not on the record or sworn under penalty of perjury. See §§1746.

Pursuant to 28 U.S.C. §1746,

If executed within the United States: "I declare (or certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."

Executed on: November 29, 2012

Signature:

I respectfully, with good faith and with honor, by right to unhindered due-process, submit this Affidavit of Truth and Evidence.

I am



Jose Banks: Bey, In Propria Persona
Ex Relatio[n]e (JOSE BANKS)
All Rights Reserved: U.S.C. 1-207/1-308; U.C.C. 1-103, U.C.C. 3-505
Illinois Territory

CERTIFICATE OF SERVICE

This is to certify that the parties named below have been sent a copy of the COMMERCIAL AFFIDAVIT OF FACT AND TRUTH PRESUMPTIONS. This document was sent using the legal mail system, executed on November 29, 2012. Please return a signed, stamped and received copy to: Larry J. Graham, 1601 N. Orchard St. Apt. #104, Chicago, IL 60614 reflecting and informing that the enclosed Affidavit has been added to the docket.

Hon. Rebecca R. Pallmeyer
United States District Judge
Northern District of Illinois
219 S. Dearborn St.
Chicago, IL 60604

Allison Ray & Ian Williams
Clerk of the Court
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